

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TWIN LAKES PLAZA, LLC,

Plaintiff,

v.

EAGLE WEST INSURANCE COMPANY,

Defendant.

NO. 2:22-cv-01048-BJR

STIPULATED MOTION AND ORDER
TO EXTEND CERTAIN DISCOVERY
AND TRIAL RELATED DEADLINES

I. INTRODUCTION

Pursuant to Local Civil Rules 10(g) and 16(b)(6), Plaintiff Twin Lakes Plaza, LLC (“Twin Lakes”) and Defendant Eagle West Insurance Company (“EWIC”) request that the expert report, discovery cutoff, and dispositive motion deadlines be extended for 30 days. All other deadlines, including the trial date, would remain unchanged. For the following reasons, the parties respectfully submit that good cause exists for this modest extension of the case schedule as requested in this stipulated motion.

II. GOOD CAUSE EXISTS FOR A 30-DAY CONTINUANCE

This case involves claims for insurance coverage and bad faith by Twin Lakes against EWIC. These claims stem from a fire that occurred at an apartment building owned by Twin Lakes and insured by EWIC.

This action was removed to this Court on July 28, 2022, and the parties exchanged initial disclosures in September 2022. The expert report deadline currently is April 10, 2023. The discovery cutoff is May 10, 2023, and the dispositive motions deadline is June 9, 2023. The parties believe that a 30-day continuance of each of these pre-trial deadlines is necessary to enable them to complete discovery and develop their positions, including expert positions. This is the parties' first request to extend pretrial deadlines.

Although the parties began issuing subpoenas and exchanging documents and written discovery several months in advance of the expert disclosure, discovery cutoff, and dispositive motion deadlines, some documents still have not yet been produced by non-parties. These include documents from ClaimCo, the independent adjuster that managed this claim on behalf of EWIC for approximately 18 months, and Atlas Consulting ("Atlas"), a building consultant that ClaimCo hired to inspect Twin Lakes' property as part of EWIC's claim investigation and prepare a preliminary repair estimate. Twin Lakes subpoenaed ClaimCo and Atlas' records on December 16, 2022. Atlas has not yet responded to the subpoena, and ClaimCo's initial production was incomplete.

The parties are cooperating to seek production of the ClaimCo and Atlas documents. Counsel for EWIC has been working with ClaimCo to ensure that the discoverable portions of its file are produced. EWIC's counsel is also working with Atlas regarding production of its responsive documents.

The parties' experts need to review the ClaimCo and Atlas documents for purposes of issuing reports in this matter, which are due in approximately one month under the current schedule. The parties request a 30-day extension of the expert disclosure deadline to allow sufficient time to gather and review the ClaimCo and Atlas documents and for their experts to incorporate these items into their reports. The parties also request a 30-day extension of the discovery cutoff to allow sufficient time to depose experts, a representative of ClaimCo, and potentially a representative of Atlas. *See* Dkt. 11. Once discovery is complete, the parties also will need additional time to file any dispositive motions in advance of the trial date.

The parties thus respectfully submit that good cause supports a modest 30-day continuance of the three deadlines highlighted in the table below.

Deadline	Current Deadline	New Deadline
JURY TRIAL DATE	November 6, 2023	November 6, 2023
Reports from expert witness under FRCP 26(a)(2) due	April 10, 2023	May 10, 2023
Discovery completed by	May 10, 2023	June 9, 2023
All dispositive motions must be filed by	June 9, 2023	July 10, 2023
All motions <i>in limine</i> must be filed by	October 2, 2023	October 2, 2023
Joint Pretrial Statement	October 10, 2023	October 10, 2023
Pretrial conference	October 23, 2023	October 23, 2023
Length of Jury Trial	5–7 Days	5–7 Days

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
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3 DATED this 10th day of March, 2023.
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ORDER

Pursuant to the joint motion of the Parties, and for good cause shown, the deadlines in Dkt. 11, Order Setting Trial Date and Related Dates, are amended as set forth in the table below.

Reports from expert witness under FRCP 26(a)(2) due	May 10, 2023
Discovery completed by	June 9, 2023
All dispositive motions must be filed by	July 10, 2023

All other deadlines in Dkt. 11 remain unchanged.

DATED this 13th day of March, 2023.


 BARBARA J. ROTHSTEIN
 UNITED STATES DISTRICT JUDGE